

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **People of MI v Gregory Alan Ferqueron**  
Docket No. **281278**  
L.C. No. **94-130590-FC**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The motion to waive fees is GRANTED for this case only.

The delayed application for leave to appeal filed October 18, 2007, is DISMISSED for lack of jurisdiction because the defendant cannot appeal the denial or rejection of a successive motion for relief from judgment. See MCR 6.502(G)(1). First, there is no jurisdictional exception found in MCR 6.502(G)(2). Second, even if there is one issue involving a claim of newly discovered evidence that does not give the defendant the authority to raise numerous other issues that do not fall within MCR 6.502(G)(2). Finally, defendant has made no showing that he can satisfy the four-prong test for newly discovered evidence. One of the prongs requires defendant to show that even with due diligence he could not have included the issue in the motion for relief from judgment that was subject of the application filed in 2005 in docket number 261742.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV - 1 2007

Date

*Sandra Schultz Mengel*

Chief Clerk